



Town of Harpswell
Planning Board Minutes
January 15, 2014
Adopted March 19, 2014

Members Present

David I. Chipman, Chair
Paul Standridge, Vice Chair
Burr Taylor
Debora Levensailor
John Papacosma, Associate Member

Members Absent

Aaron Fuchs

Staff Present

Carolyn Eyerman, Town Planner
Diane Plourde, Recording Secretary

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David I. Chipman, Chair. The Pledge of Allegiance was recited. The Chair appointed John Papacosma a full voting member for this meeting.

Old Business: None

New Business: 14-01-02 John & Mary Moore (Applicant), Alfred Perry (Owner), Map 14 Lot 72 – 1444 Harpswell Neck Road – Continued Commercial Use of Property

Public Hearing:

John Moore spoke of this application explaining his intent to purchase a barn presently owned by Fred Perry and to start a new marine business named “The Wild Duck Boat Works”. He stated that this business will be a boat restoration business and possibly employ 2 or 3 people. He described the anti-fouling paint process he plans to adopt for this business and showed the Board the plans of the acreage and described property which includes the back piece, the barn and the shop. Mr. Perry (owner) also stated that the wells will not be compromised with this new business.

The Board then reviewed the following ordinance sections:

Exhibit A – Site Plan Review Ordinance Approval Standards and Criteria
Under Section 15.1 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that Section 15.1 meets the dimensional requirements of the Basic Land Use Ordinance based on the fact that the Code Enforcement Officer looked at it and determined it has the lot size and frontage and setbacks.

Discussion: Ms. Levensailor asked why this application does not need approval of subdivision before this is allowed to change. Ms. Eyerman explained to the Board the land Mr. Perry is dividing will go to family members and the subdivision law exempts family members and that the only lot not going to family members is this lot in the application.

Unanimous Approval

Under Section 15.2 of the Site Plan Review Ordinance:

Paul Standridge moved seconded by David Chipman that this section does not apply. Unanimous Approval

Under Section 15.3 of the Site Plan Review Ordinance:

Paul Standridge moved seconded by David Chipman the project does demonstrate that the road that services this development is state road, Route 123, and this road should be adequate to service the level of traffic anticipated. Unanimous Approval

Under Section 15.4 of the Site Plan Review Ordinance:

Paul Standridge moved seconded by Debora Levensailor that the project does meet the definition of the Ordinance because there are no changes to the current access way off Route 123. The existing access way is less than thirty feet wide and should provide adequate capacity for vehicles to enter from Route 123. There are no obstructions to limit the sight distance upon entering/exiting the access way from Route 123. The grade does not appear to be more than 3%. Unanimous Approval

Under Section 15.5 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the proposed entrances and exits and private access ways will be appropriately sited in conformance with this Section, based on they are located more than fifty feet from the two closest unsignalized intersections and more than one mile from the closest signalized intersection. Unanimous Approval

Under Section 15.6 of the Site Plan Review Ordinance:

Discussion: Ms. Eyerman discussed this with the Board at the site walk and asked Mr. Moore if there would be enough parking room for future employees plus the storage of boats and equipment. Mr. Moore described the way he plans on using the area for tenants and any boats on the property.

David Chipman moved seconded by Paul Standridge that the project does demonstrate that the site provides for safe movement of passenger, service, and emergency vehicles through the site and within parking lots, and provides for pedestrian and cyclist safety, based on the discussion with the applicant. Unanimous Approval

Under Section 15.7 of the Site Plan Review Ordinance

Discussion: Ms. Eyerman asked Mr. Moore the square footage of space behind the shop, in front of the shop and if it will comply with this section. Mr. Moore explained the parking spaces he plans to use for both tenants and the shop. Ms. Eyerman asked what the square footage is of the shop itself and Mr. Moore said he will give details as part of the plan with the amount of square footage to support four parking spaces.

David Chipman moved seconded by Debora Levensailor that the project does provide for adequate vehicular parking spaces, and any off-road parking conforms to the layout

and design standards of Section 15.7.2, based on the discussion with the applicant.

Unanimous Approval

Discussion: Mr. Wayne Almay, abutter, asked about the right of way and stated his concerns were about the runoff and contamination and how many boats and employees will be on the property. Ms. Eyerman said these questions will be answered as the ordinance sections are read.

Under Section 15.8 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does provide a system of pedestrian ways appropriate to the type and scale of the development, based on the following evidence: The site is entirely paved or gravel around the existing building such that pedestrians would have a safe passage when entering the business.

Discussion: Mr. Moore explained that the snow and ice build-up near the entry way was from the snowplow and not from water coming off the gutters.

Unanimous Approval

Under Section 15.9 of the Site Plan Review Ordinance:

Discussion: Ms. Eyerman said the site visit showed there is crushed stone around a portion of the building and at the tenant entrance the roof drips to pavement and this should be redirected before it hits pavement. The pavement slopes toward the crushed stone. She asked Mr. Perry if he could describe where the water runs off. Mr. Perry said that area drains well and the snow was not plowed away from that area, and doesn't puddle but goes into the stone.

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that adequate provision is made for the collection and disposal of stormwater runoff and complies with the stormwater management standards of Section 15.9 based on discussion with the applicant. Unanimous Approval

Under Section 15.10 of the Site Plan Review Ordinance:

Paul Standridge moved seconded by Debora Levensailor that this section does not apply. Unanimous Approval

Under Section 15.11 of the Site Plan Review Ordinance:

Discussion: Ms. Eyerman asked if there is enough water for the business itself, and also about the water quality the abutter was concerned about. Mr. Moore explained the quantity he may use for both the shop and residence and also the quality of the water. Mr. Chipman read Section 15.11 of the Site Plan Ordinance.

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the development will be served by an adequate water supply, and that the quantity or quality of groundwater of abutting properties will not be negatively impacted, based on the discussion with the applicant.

Discussion: Mr. Almay stated he was concerned where the work was to be done and the runoff from the work. He asked questions concerning the easement to the back property and noted that he has a separate drilled well. **Unanimous Approval**

Under Section 15.12 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project demonstrates that any subsurface sewage disposal system(s) will be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, in conformance with any applicable requirements of Sections 15.12.1-15.12.6, and because the Code Enforcement Officer has viewed the site and reviewed the size and scope of the system and indicates it is in compliance with the ordinances. Unanimous Approval

Under Section 15.13 of the Site Plan Review Ordinance:

Discussion: Mr. Moore noted the utilities on the property from the plan given to the Board. **David Chipman moved seconded by Debora Levensailor that the project does demonstrate that, where feasible, utilities and essential services will be installed in existing public ways or service corridors, and above-ground facilities will be located so as to avoid crossing open areas and scenic views and based on discussion with the applicant. Unanimous Approval**

Under Section 15.14 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that (A) the project does demonstrate that the landscape is preserved in its natural state insofar as practical based on the fact that the landscape is not proposed to be changed. Unanimous Approval

Discussion: Mr. Moore explained the area of storage, and the dumpster for solid waste material. He noted that most of the work will be done inside. Mr. Standridge asked if the abutter will be affected with the views of boat cleaning. Mr. Moore said that most of the boats will not stay on the property. Mr. Almay asked how many boats would be on property and if a privacy fence is proposed. Ms. Eyerman noted that the ordinance requires a buffer between a business and a residence. Annette Almay, abutter spoke of her property and her association with Mr. Perry.

David Chipman moved seconded by Debora Levensailor that (B) the project does demonstrate that there are sufficient setbacks and screening of exposed storage areas, articles of salvage or refuse on the site, based on the fact that the applicant will place a twenty four (24) foot long by eight (8) foot tall stockade fence.

Under Section 15.15 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project demonstrates that the development's exterior lighting does not create undue hazards to motorists, is safe for the occupants and users of the site, and does not damage the value or diminish the usability of adjacent properties, based on the fact that there will not be any more lighting than is already there. Unanimous Approval

Under Section 15.16 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that (A) the project does demonstrate that there will be no release of harmful substances that would pollute, harm, or cause nuisance in any receiving waters, and all storage facilities for chemicals, industrial wastes, or biodegradable materials comply with regulations of the Maine Department of Environmental Protection (DEP) and the State Fire Marshal's Office, based on the following evidence that the hazardous materials will be contained and removed from the site.

Discussion: Ms. Levensailor asked Mr. Moore about hauling the waste from the site. Mr. Moore said he will follow the DEP regulations. **Unanimous Approval**

David Chipman moved seconded by Debora Levensailor that (B) this section does not apply because this property is not located with a body of water at risk from development. Unanimous Approval

Under Section 15.17 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the handling, storage, and use of all hazardous, special, or radioactive materials will be performed in accordance with all applicable federal and state agencies, including DEP regulations and local rules, based on the fact that they will use the Clean Boatyard Pledge provided by the applicant. Unanimous Approval

Under Section 15.18 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that all solid, special, and hazardous wastes will be disposed at licensed facilities that have the capacity to accept the wastes, based on the fact the applicant is using the Clean Boatyard Pledge. Unanimous Approval

Under Section 15.19 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the development is designed to protect and preserve archaeological and historic sites identified by the Planning Board, based on the fact the existing structures were constructed within the last 20 years and are not a known resource. Unanimous Approval

Under Section 15.20 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that all use and development of portions of the site within a special flood hazard area are consistent with the Town's Floodplain Management Ordinance, based on the fact the Code Enforcement Office has stated in his review memo dated December 30, 2013 that the site is not within the floodplain. Unanimous Approval

Under Section 15.21 of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the applicant has demonstrated the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan, based on a letter submitted by the applicant's bank as well as discussion with the applicant. Unanimous Approval

Under Section 15.22 of the Site Plan Review Ordinance:

Paul Standridge moved seconded by David Chipman that this section does not apply since it is not located within Mitchell Field. Unanimous Approval

The Planning Board finds that the applicant, John & Mary Moore, has met the standards of the Town of Harpswell Site Plan Review Ordinance. The Planning Board voted to approve the application and site plan with the following standard conditions of approval:

- 1) This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.
- 2) This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval. All work shall be completed in conformance with the approved After Purchase site plan.
- 3) This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.
- 4) If necessary, no work shall be started until the applicant has established a performance guarantee acceptable to the Planning Board.
- 5) The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
- 6) All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

And with the following additional conditions: Estimation of number of parking spaces and the locations, existing and proposed utilities drawn on the plan and a buffer fence will be added. **Unanimous Approval**

14-01-03 – Steven & Shirley Ingram (Applicant/Owner) – Map 18 Lot(s) 4 & 6 – 94 Austin Point Road – Subdivision Amendment Review

Mr. Ingram spoke of the application, introducing Shirley Ingram and neighbor, Bill Sabrowski. He would like to put an addition on his house and wanted to assure they meet the

25 foot setback. The subdivision asks for a 30 foot setback. Mr. Sabrowski agreed to an exchange of property of equal amounts.

Under the Subdivision Ordinance:

Debora Levensailor moved seconded by David Chipman that Sections 9.2, 9.4C, 9.6B,C,D, 9.7, 9.8, 9.9, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 10.1 do not apply. Unanimous Approval

Under 8.3.1 of the Subdivision Ordinance:

David Chipman moved seconded by Paul Standridge that the application does include the location map as required by this section. Unanimous Approval

Under Section 8.3.2 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that the application does include all the elements required by Sections 8.3.2.1 to 8.3.2.36 based on the fact the Board received the plans. Unanimous Approval

Under Section 8.3.3 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that this section does not apply. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the application is complete. Unanimous Approval

Under Section 9.1 of the Subdivision Ordinance:

David Chipman moved seconded by Paul Standridge that the project does conform to all pertinent local, State, and federal ordinances, law, and regulations with the additional conditions of approval, the subdivision amendment will conform to all pertinent laws. Unanimous Approval

Under Section 9.3 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does preserve the landscape in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction based on the fact the addition will have minimal effect on the landscape. Unanimous Approval

Under Section 9.4 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that (A) the project does satisfy the lot size and frontage requirements of Section 9.4.1 based on the fact the proposed lot sizes and shore frontages will not be altered from the current sizes and the road frontages meet the requirements of the ordinance. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that (B) this does not create a flag lot. Unanimous Approval

Under Section 9.5 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does not include any land not suitable for development, for the purpose of calculation of lot area, and all land not suitable for development has been considered and has not been included within the calculation of lot area. Unanimous Approval

Under Section 9.6 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that the project will demonstrate compliance with the requirements relating to lot markers in Section 9.6.1 and the lot markers will be added to the plan. Unanimous Approval

Under Section 9.10 of the Subdivision Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the development is designed to minimize impacts on wetland, based on the fact the proposed addition is setback 75 feet from the shoreline as required by the ordinances. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the applicants, Steven & Shirley Ingram, have met the standards of the Town of Harpswell Subdivision Ordinance with the following standard conditions of approval:

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. All work shall be completed in conformance with the approved plans,
4. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
6. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
7. Lot Markers will be placed according to the ordinance requirements.

Unanimous Approval

Consideration of Minutes of December 18, 2013:

Debora Levensailor moved seconded by David Chipman that the minutes of December 18, 2013 be accepted as presented. Unanimous Approval

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Other Business: Public Hearing – Definition Addendum, Subdivision Ordinance, Basic Land Use Ordinance, Shoreland Ordinance

Mr. Mark Eyerman, Planning Decisions gave an overview of the amendments to the subdivision ordinance proposed by the Comprehensive Plan Implementation Committee (CPIC). Discussion continued within the Public Hearing.

Planner's Update: None

Public Hearing meeting on February 5, 2014
Regular Meeting on February 19, 2014

Public Hearing Closed

**David Chipman moved seconded by Debora Levensailor to adjourn the meeting.
Unanimous Approval**

Meeting adjourned at 8:50 PM.

Respectfully submitted by:

Diane E. Plourde
Recording Secretary